

MANIPUR GAZETTE



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GOVERNMENT OF MANIPUR SECRETARIAT: POWER DEPARTMENT

NOTIFICATION

Imphal, the 4th December, 2024

JERC/1/2022-POW-PD-Part(2): In exercise of the powers conferred by clause (d)(e) and (O) of sub-section 2 of section 180 of the Electricity Act, 2003(No.36 of 2003), the Governor of Manipur is pleased to make the following rules, namely:-

1. Short title and commencement:

1.1. These rules may be called the Manipur Electricity Regulatory Commission (MnERC) (Appointment, Salaries, Allowances and other Conditions of Service of Chairperson and Members) Rules, 2024.

1.2. They shall come into force from the date of their publication in the Official Gazette.

2. Definitions: In these rules, unless the context otherwise requires, -

- a. "Act" means the Electricity Act 2003 (36);
- b. "Commission" means the Manipur Electricity Regulatory Commission (MnERC) constituted under section 82 of the Act;
- c. Words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.
- d. "Commission" means the Manipur Electricity Regulatory Commission (MnERC).
- e. "Chairperson" means Chairperson of the Commission.
- f. "Member" means Member of the Commission.

3. Qualifications for appointment of Chairperson and Member of the Commission: [Section 84 of the Electricity Act, 2003 (36)]

3.1 The Chairperson and the Member of the State Commission shall be persons of ability, integrity and standing who have adequate knowledge or, and have shown capacity in, dealing with problems relating to engineering, finance, commerce, economics, law or management.

3.2 Notwithstanding anything contained in sub-section above, the State Government may appoint any person as the Chairperson from amongst persons who is, or has been, a Judge of a High Court;

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of that High Court.

3.3 The Chairperson or Member of the State Commission shall not hold any other office.

3.4 The Chairperson shall be the Chief Executive of the State Commission.

4. Constitution of Selection Committee to select Chairperson and Members of State Commission: [Section 85 of the Electricity Act, 2003 (36)]

4.1 The State Government shall, for the purposes of selecting the Members of the State Commission, constitute a Selection Committee consisting of -

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| (a) | a person who has been a Judge of the High Court | - | Chairperson |
| (b) | the Chief Secretary of the Government of Manipur | - | Member |
| (c) | the Chairperson of the Authority or the Chairperson
of the Central Electricity Regulatory Commission | - | Member |

Provided that nothing contained in this section shall apply to the appointment of a person as the Chairperson who is or has been a Judge of the High Court.

4.2 The Secretary of the Commission shall intimate in writing to the State Government in case of vacancy occurring by reason of death, resignation or removal within 1 (one) month and 6 (six) months before superannuation or end of tenure of chairperson or member.

4.3 The State Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or end of tenure of the Chairperson or Member, make a reference to the Selection Committee for filling up of the vacancy.

4.4 The Selection Committee shall finalise the selection of the Chairperson and Member within three months from the date on which the reference is made to it.

4.5 The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

4.6 Before recommending any person for appointment as the Chairperson or Member of the State Commission, the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.

4.7 No appointment of Chairperson or Member shall be invalid merely by reason of any vacancy in the Selection Committee.

5. Term of office and conditions of service of Chairperson and Member: [Section 89 of the Electricity Act, 2003 (36)]

The Chairperson and Member of the Commission shall hold office for a term of 5 (five) years from the date on which he enters upon his office or till he attains the age of 65 years whichever is earlier and shall not be eligible for reappointment.

Provided that the Chairperson or other Member in the Commission shall not be eligible for reappointment in the same capacity as the Chairperson or Member in the Commission in which he had earlier held office.

Provided further that no Chairperson or Member shall hold office as such after he has attained the age of 65 years.

6. Oath of Office and secrecy: The Chairperson/Member of the Commission shall, before entering upon his office, subscribe to an oath of office and secrecy before the Governor of Manipur or some other person appointed by him on that behalf and the oath of office and secrecy shall be administered in the following form annexed as ANNEXUER-I

7. Removal of Member:

The Chairperson/Member may be removed from his office in accordance with the provisions of Section 90 of the Electricity Act, 2003 (36).

8. Salaries and Allowances:

8.1 **Pay:** The Chairperson of the Commission shall be entitled to receive a pay in the pay band HAG+ Scale Rs.(75,500-80,000)/- pay matrix Level-16 in the pay band of per month with other allowances as admissible to the post in the State belonging to All India Service cadre and a Member shall be entitled to receive salary in the pay matrix Level-15 in the pay band of Rs.(67,000-79,000)/- per month and other allowances as admissible to the post in the State belonging to All India Service cadre.

CHAPTER – IV

TRAVELLING ALLOWANCE AND LEAVE TRAVEL CONCESSION & OTHER FACILITIES

9. Travelling Allowance:-

9.1 A Chairperson and Member while on tour within India or on transfer (including the journey undertaken by self and family to join the Commission or on the expiry of the term with the Commission to proceed to his home town with family) shall be entitled to the journey allowance, daily allowance and transportation of personal effects at the same scales and at the same rates as are applicable to a Group 'A' Officer of the State Government drawing equivalent pay in the pay matrix.

9.2 Foreign tours to be undertaken by a Chairperson/Member shall require prior approval of the State Government.

Provided that the daily allowance and provision of hotel accommodation during the period of tour abroad shall be in accordance with such orders of the State Government as are applicable to Group "A" officers of the State Government drawing equivalent pay in the pay matrix and as per the economy instructions or other instructions issued by the State Government from time to time.

10. Leave travel concession: A Chairperson and Member shall be entitled to leave travel concession at the same scale and at the same rate as admissible to group "A" officers of the State Government drawing equivalent pay in the pay matrix

11. Accommodation:

11.1 The Chairperson/ Member shall be entitled for residential accommodation as per norms of Government of Manipur.

Provided that for such accommodation which is according to and within the entitlement of the Chairperson/Member, the standard license fee shall be at the same as in the case of a Group "A" officer of similar status of the State Government.

11.2 In case Government of Manipur do not provide residential accommodation to the Chairperson/ Member, he shall have the option of claiming house rent allowance as admissible to Group "A" officer of similar status of the State Government.

12. Medical Treatment: A Chairperson and member shall be entitled to medical reimbursement and facility as admissible to a Group "A" officer of the State Government drawing an equivalent pay.

13. Leave: A Chairperson and Member shall be entitled to 30 days of earned leave for every year of service and the payment of leave salary, during leave, shall be governed under the provisions of rule 40 of the Central Civil Services (Leave) Rules, 1972.

13.1 Leave sanctioning authority: In case of the Chairperson, the Minister in-charge of the State Government, and in the case of a Member, the Chairperson shall be the leave sanctioning authority.

13.2 In case of demitting office- death or retirement, Encashment of Earned Leave in respect of the earned leave at credit subject to a maximum period prescribed for encashment of such leave under the Central Civil Service (Leave) Rules, 1972 as applicable to the employees of the State Government.

14. Other conditions of services: Other conditions of service of a Chairperson and Member, with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group "A" officer of the State Government drawing an equivalent pay.

SHAILESH KUMAR CHOURASIA,
Commissioner (Power),
Government of Manipur.